

FILED
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W. DIST. OF N.C.
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

MISC. NO. 1:05 MC 11
WDCP-83-1

IN RE: SINGLE-PLAINTIFF ASBESTOS CASES

This matter is before the Court *sua sponte* in order to more efficiently administer asbestos cases filed in the United States District Court for the Western District of North Carolina. Effective February 16, 2005, each "asbestos case" will consist of a "Single-Plaintiff" with the exception of complaints filed by husband and wife for claims arising out of the same occurrence or transaction and complaints filed by an estate.

An "asbestos case" for this purpose is a civil case in which a plaintiff alleges personal injury as the result of exposure to asbestos containing products. A "Single-Plaintiff" case will be an asbestos case involving one plaintiff as defined above alleging injury out of the same occurrence or transaction.


IT IS THEREFORE ORDERED, that every asbestos case filed on or after February 16, 2005, shall be a Single-Plaintiff case as defined in this Order.

IT IS FURTHER ORDERED, in those cases filed prior to February 16, 2005, which contain more than one plaintiff, counsel are **ORDERED** to file all future pleadings on a per plaintiff basis; eg. a motion to substitute parties must be filed as a separate motion per plaintiff. Any pleading presented to the Clerk not in compliance with this Order shall be accepted and docketed on the first plaintiff only. The clerk shall then serve a copy of this Order with a copy of the pleading on the moving party so that counsel may proceed to file additional copies of the motion for the remaining plaintiffs.

IT IS FURTHER ORDERED, that the Clerk shall accept for filing purposes only the first plaintiff in any multi-plaintiff asbestos case presented for filing. The Clerk shall then serve a copy of this Order with a copy of the complaint on the plaintiff's attorney so that counsel may proceed to file separate single-plaintiff cases for the remaining plaintiffs.

IT IS FURTHER ORDERED, that nothing herein shall abridge the right of the trial judge to consolidate asbestos cases for the purposes of discovery and/or trial.

SO ORDERED this 16th day of February, 2005.



Lacy H. Thornburg
U.S. District Court Judge